

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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Chapter 7

In re:

B.A.R. ENTERTAINMENT INC.

Case No. 05-22699 (RDD)

B.A.R. ENTERTAINMENT
MANAGEMENT, INC.

Jointly Admin. 04-20352 (RDD)

Debtor.

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NOTICE OF MOTION TO SUBSTANTIVELY CONSOLIDATE CASES

Pursuant to Rule 1015 of the Federal Rules of Bankruptcy Procedure, notice is hereby given that the undersigned has filed a Motion for an Order that the above captioned cases be SUBSTANTIVELY CONSOLIDATED. This motion is based upon the fact that a unity of interest exists between and the financial affairs of the debtors are so substantially entangled that consolidation will benefit all creditors.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy. (If you do not have an attorney, you may wish to consult one.)

Further take notice that if you object to SUBSTANTIVE CONSOLIDATION of these cases you must object in writing on before **April 24th, 2013 at 12:00p.m.**, by filing your written objection explaining your position with the Court at 300 Quarropas Street, White Plains, New York 10601 and serve a copy on the undersigned, the debtors, the trustee(s) and the United States trustee so that it is **received on or before that date**.

SHOULD YOU FAIL TO SO OBJECT OR HAVING OBJECTED FAIL TO TIMELY REQUEST A HEARING, PLEASE BE ADVISED THAT THE COURT MAY ENTER AN ORDER THAT THE CASES BE SUBSTANTIVELY CONSOLIDATED WITHOUT FURTHER NOTICE TO YOU.

If objections are filed, you must attend the hearing on the objection, schedule on **May 1st, 2013** at 10:00 a.m. at 300 Quarropas Street, White Plains, New York, 10601.

Dated: White Plains, New York
April 3, 2013

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Chapter 7 Trustee
399 Knollwood Road, #102
White Plains, New York 10603

TO: B.A.R. Entertainment, Inc.
1 Parke Lane
Mt. Vernon, NY 10552-3449

N.Y. State Unemployment Insurance Fund
P.O. Box 551
Albany, NY 12201-0551

United States Trustee
33 Whitehall Street, 21st Floor
New York, NY 10004-2122

IRS Special Procedure
PO Box 2899
Church Street Station
New York, NY 10008-9900

Eureka Network
P.O. Box 26562
New York, New York

NYS Department of Taxation and Finance WA
Harriman State Office Campus, Building 8
Albany, NY 12240-0001

Personalized Accounting, Total Services, Inc.
1501 Broadway, Suite 1503
New York, New York 10036-5505

Internal Revenue Service
290 Broadway, 5th Floor
New York, NY 10007
Attn: Lisa Wold, Insolvency Group 4

B.A.R. Entertainment Management Inc
138 Elm Avenue
Mount Vernon, NY 10550-1639

Colasanti & Iurato, LLP
399 Knollwood Road
White Plains, NY 10603

Aetna
POB 77 W7445-120
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Cashzone Check Cashing Corp.
c/o Metropolitan National Bank
99 Park Avenue, 4th Fl.

Rattet Pasternak Bankruptcy Practice
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1 North Lexington Avenue
White Plains, NY 10601

New York State Tax Commission
Bankruptcy/Special Procedures Section
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New York, NY 10036-5505

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New York, NY 10001-6078

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New York, NY 10016-1501

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1800 Overcenter Drive
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One International Blvd.
Mahwah, NJ 07495-0080

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Attn.: Revenue Recovery/Bankruptcy
2005 Corporate Avenue, 2nd Fl.
Memphis, TN 38132-1796

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345 Adams St., 10th Fl.
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Northeast Verizon Wireless
AFNI / Verizon Wireless
404 Brock Dr.
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JP Morgan Chase Bank
Legal Holds & Levies Dept.
1985 Marcus Ave.
New Hyde, NY 11042-1013

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SOUTHERN DISTRICT OF NEW YORK

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In re:

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Case No. 05-22699 (RDD)

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MANAGEMENT, INC.

Jointly Admin. 04-20352 (RDD)

Debtor.

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**ORDER GRANTING SUBSTANTIVE CONSOLIDATION PURSUANT TO
BANKRUPTCY RULE 1015**

The trustee, having moved for an order to substantively consolidate 04-20352 B.A.R. Entertainment Management Inc. and 05-22699 B.A.R. Entertainment Inc., and due and sufficient notice having been given to all parties in interest, and there being no opposition to the requested relief, and after due deliberation, the Court having found that said consolidation would be efficient in management of the estate, and good cause appearing, it is

ORDERED, that the trustee's request is granted; and it is further

ORDERED, that the cases be substantively consolidated, such that the assets of each will be aggregated into one, and the liabilities of each will be treated as liabilities of both, and the cases will additionally be jointly administered and consolidated in all regards and the case should be denoted under 04-20352.

Dated: White Plains, New York
 , 2013

Hon. Robert D. Drain
UNITED STATE BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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Debtor.

APPLICATION

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TO THE HON. ROBERT D. DRAIN, BANKRUPTCY JUDGE:

Jeffrey L. Sapir, the Chapter 7 Trustee, hereby respectfully represents the following:

1. Movant is the duly appointed, qualified and acting trustee of the estate in the bankruptcy proceeding of the above named debtors.
 2. B.A.R. Entertainment Management Inc. filed a voluntary petition under Chapter 7 on June 25, 2004. Thereafter, said case was converted to one under Chapter 11.
 3. B.A.R. Entertainment Inc. filed a voluntary petition under Chapter 11 on April 18, 2005.
 4. By order dated April 22, 2005 both cases were administered jointly.
 5. On or about July 26, 2007, both cases were converted to a Chapter 7 case.
 6. After speaking to the accountant retained in the Chapter 11 proceeding, the trustee ascertained that the financial affairs of the debtors were intertwined so that it would be best if the estates were substantively consolidated.
 7. There appears to be no prejudice to the priority and unsecured creditors herein.
- Based upon the claims and allowed Chapter 11 administration expenses, there will be no dividend to either priority or unsecured creditors.

8. Based upon the funds on hand, the only payment to be made upon distribution will be to the Chapter 7 administration applicants and the Chapter 11 administration claimants whose fees and expenses have been previously allowed by court order.
9. Based upon the funds on hand, the Chapter 11 administration claimants will not receive a full payment on their claims.

WHEREFORE, movant requests suitable notice to be given to all parties in interest of both estates, that an evidentiary hearing be held at which movant may be permitted to demonstrate the verity of the above, and an order of substantive consolidation might be entered.

Dated: White Plains, New York
April 3, 2013

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir

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AFFIDAVIT OF MAILING

Debtor.

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STATE OF NEW YORK)
COUNTY OF WESTCHESTER) SS.:

DEBRA A. SAPIR, being duly sworn, deposes and says:

That, I am not a party to the action and am over 18 years of age and reside in New York, New York.

On April 3rd, 2013, I served a true copy of the Notice of Motion to Substantively Consolidate Cases, at the following address designated for that purpose, by mailing same in a sealed envelope with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York to all parties per the annexed listing

/s/ Debra A. Sapir
DEBRA A. SAPIR

Sworn to before me this
3rd day of April, 2013.

/s/ Jeffrey L. Sapir, Esq.

Jeffrey L. Sapir, Esq.
Notary Public, State of New York
No. 02SA8764500
Qualified in Rockland County
Terms Expires: December 31, 2014

TO: B.A.R. Entertainment, Inc.
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